



STATE OF WISCONSIN

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Governor Scott Walker

Secretary Dave Ross

Positions Statements Related to Social Workers Issued by the Joint Board of Marriage & Family Therapy, Professional Counseling and Social Work

CERTIFIED SOCIAL WORKER (CSW)

1. I am a certified social worker; can I open up a private practice if supervised by an LCSW or Ph.D.?

Yes. In fact, a CSW may open up a private practice even without supervision, as long as he or she does not engage in clinical social work. Reference [MPSW 6](#), Wis. Admin Code for more information on the scope of practice for CSWs.

2. As a certified social worker, may I begin to accrue supervised clinical experience to qualify me for clinical licensure?

No. As a certified social worker, you may not engage in psychotherapeutic (clinical) activities. This is noted in s. [457.035](#) Stats. Supervised clinical experience may be accrued only by advanced practice social workers and independent social workers. For further information on the scope of practice of social workers within the State of Wisconsin, refer to [MPSW 6](#), Wis. Admin Code.

SOCIAL WORK – GENERAL CREDENTIALING

What levels of social work practice are licensed by the Department of Safety and Professional Services? How are they different?

A [certified social worker](#) [CSW] is a person who holds a bachelor's or master's degree in Social Work from an approved program and is certified by the Department of Safety and Professional Services. See Wis. Stats. s.457.08(1). A certified social worker may not engage in psychotherapy. See Wis. Admin. Code MPSW 6.01.

An [advanced practice social worker](#) [CAPSW] is a person who holds an master's degree in Social Work from an approved program or a doctorate degree in Social Work and is certified by the Department of Safety and Professional Services. See Wis. Stats. s.457.08(2). An advanced practice social worker may engage in psychotherapy if properly supervised. See Wis. Admin. Code MPSW 6.02.

A [certified independent social worker](#) [CISW] is a person who holds an master's degree in Social Work from an approved program or a doctorate degree in Social Work, who has completed two (2) years of supervised social work practice and is certified by the Department of Safety and Professional Services. See Wis. Stats. s.457.08(3). A certified independent social worker may engage in psychotherapy if properly supervised. See Wis. Admin. Code MPSW 6.03.

A [licensed clinical social worker](#) [LCSW] is a person who holds an master's degree in Social Work from an approved program or a doctorate degree in Social Work, with a clinical social work concentration, who has received supervised clinical field training and completed a supervised practice regimen that is licensed by the Department of Safety and Professional Services. See Wis. Stats. s.457.08(4). A licensed clinical social worker may engage in psychotherapy without supervision. See Wis. Admin. Code MPSW 6.04.

Who must be licensed or certified?

Individuals who must be licensed or certified as a Social Worker include:

- o Anyone who uses the title "Social Worker", in any form
- o Anyone who uses the titles, "Certified Social Worker", "Advanced Practice Social Worker", "Certified Independent Social Worker", or "Licensed Clinical Social Worker"
- o Anyone who or represents himself/ herself to the public as a social worker.
- o Anyone who practices clinical social work.

See Wis. Stats. s.457.04(4).

Refer to Wis. Stats. s.457.02 for exemptions to licensing requirements.

How can I get licensed as a school social worker?

Information regarding school social workers can be obtained by contacting the Department of Public Instruction. See <http://dpi.wi.gov/sspw/socialwork.html>

Can I get a license or certification if I've been convicted of a crime?

A criminal conviction is not an automatic bar to licensure. Conviction reviews will occur on a case-by-case basis. See Wis. Stats. s.457.26(2).

If I hold a credential and have a name or address change, what do I need to do?

Every credential holder shall notify the Department in writing of a name or address change within 30 days of the change. See Wis. Stats. s.440.11(1) and Wis. Admin. Code MPSW 1.08(5). Licensees who need to change a name or address may do so online at

<https://online.drl.wi.gov/UserLogin.aspx>

New applicants or pending applicants are unable to change their name and address online. Please email the department at dsps@wisconsin.gov and provide your application ID number, profession applied for, and the changes.

I was recently married. Do I have to change my professional name to my married name?

No.

Are social workers required to carry malpractice insurance?

Only clinical social workers are required to have professional liability insurance. Exceptions exist for licensees employed in federal, state or local governmental agencies who only work in their licensed capacity for those agencies. These requirements are outlined in s. 457.24 , Stat. and s. MPSW 1.10 , Wis. Admin. Code.

NOTICE:

Reporting Requirements for per s. 457.25 Wis. Stat.

Wisconsin Statute sec. 457.25 sets out a reporting requirement for credential holders of the Marriage and Family Therapy, Professional Counseling and Social Work Joint Board. The statute directs entities who employ or contract services from marriage & family therapists, professional counselors and social workers to file written reports to the DSPS if they take certain disciplinary actions against those professionals. The requirement specifies the conditions on which a report must be filed to the Department of Safety and Professional Services. Conditions for reporting are:

Who Must Report? The reporting requirement applies to “Any public or private mental health or health care agency, institution or facility, or any other person or entity that employs or contracts for services with” marriage & family therapists, professional counselors or social workers.

What Triggers Reporting? A report is required when an entity “terminates, suspends, or restricts the employment or contract of the credential holder as a result of adverse or disciplinary action” related to the credential. This especially includes violations of conduct under s. MPSW 20, Wis. Admin. Code and acts of gross negligence.

How Do You Report? A written report of the action taken shall be submitted to the appropriate section of the examining board, i.e.: Marriage & Family Therapy Section; Professional Counselor Section, or; Social Worker Section.

The mailing address for sending written reports is:

example: “Social Worker Section”]

1400 E. Washington Avenue

PO Box 8935

Madison, WI 53708-8935

When Must the Report be Filed? The written report must be submitted within 30 days of the action taken.

What If the Credential Holder Quits/Resigns? If there are grounds for an action and the credential holder resigns from employment before the action is taken, then a report must be filed within 30 days after the date of resignation.

SOCIAL WORK – ETHICAL PRACTICE

Does the Board have a Code of Ethics?

In the State of Wisconsin, the rules related to Unprofessional conduct can be found in the Administrative Code at [MPSW 20.02](#). These standards spell out the minimal requirements for safe, professional practice in the state, and violations of those rules can result in disciplinary actions against credential holders.

The profession of Social Work follows the Code of Ethics of the National Association of Social Workers. The NASW Code of Ethics is a guide to best practice, as opposed to standards for minimum practice. The link to NASW is: <http://www.socialworkers.org/>

How do I report unprofessional conduct by a social worker?

- 1) Print a copy of the [Complaint Form](#) and fill in the appropriate information.
- 2) If your complaint involves a health care profession, you may also print out the [Consent For Release of Information Form](#) and fill in the appropriate information. Completion of this form is voluntary.
- 3) Mail completed document(s) to:

State of Wisconsin
Department of Safety and Professional Services
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

What obligations are there to report unprofessional conduct by another member of my own profession?

If you are the employer or supervisor of a professional who engages in unprofessional conduct, and you limit or restrict the practice of the professional, terminate the employment of the professional, or allow the professional to resign, you are required by Wisconsin law to report that information to the Department of Safety and Professional Services.

Any organization or individual that employs a social worker, marriage and family therapist, or professional counselor must report to the examining board any adverse or disciplinary action that terminates, suspends or restricts the credential-holder's employment. Per s. MPSW 20.02(19), Wis. Admin code any violation of s. 457, Stat. is considered unprofessional conduct. Reporting requirements of supervisors and agencies are outlined in s. 457.25, Stat.

If you are not the employer or supervisor, there is no ethics rule that requires you to report unprofessional conduct by another member of your profession. However, you should be aware of the following:

☐ If you have reasonable cause to suspect that a child you have seen in the course of your professional duties has been abused or neglected, you have an obligation to report it. (See s. 48.981, Stat. for details.)

If you have reasonable cause to suspect that an adult client you have seen in the course of your professional duties is a victim of sexual contact by a therapist, you must ask the client if s/he wants you to report it. (See section 940.22 of the Statutes for details.)

Even though you are not obligated to report unprofessional conduct by another, you are encouraged to report it by a grant of civil immunity: “any person who in good faith ... provides the department or any examining board ... with advice or information on a matter relating to the regulation of a person holding a credential is immune from civil liability”. (See section 440.042(2) of the Statutes for details.)

As the member of a profession, you have a role in the regulation of the behavior of members of that profession. This is particularly true in Social Work, where members of the profession work to empower and support people who are vulnerable or who historically have been disempowered. The behavior of members of your profession reflects on all professionals who also hold that credential, and unprofessional behavior by members of your profession will make it more difficult for clients to trust persons in your profession. If the actions of another professional are harmful to clients, you have an obligation under professional social work ethics (though not a legal obligation under Wisconsin administrative rules) to report that conduct to the appropriate authorities.

If a client has filed an ethics complaint about a Social Worker with the Department of Health Services (DHS), can the same complaint be filed with the Department of Safety and Professional Services?

Yes:

- 1) Print a copy of the [Complaint Form](#) and fill in the appropriate information.
- 2) If your complaint involves a health care profession, you may also print out the [Consent For Release of Information Form](#) and fill in the appropriate information. Completion of this form is voluntary.
- 3) Mail completed document(s) to:

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Is it permissible to accept gifts from clients?

This depends on the type of gift, its monetary value, and any expectations by the client associated with the gift. Usually, a social worker should decline all gifts of significant monetary or emotional value and strongly consider whether or not a smaller gift could blur the boundaries between the social worker and the client before accepting. If there is any perceived adverse risk to the client-therapist relationship, it is advisable not to accept the gift.

When the parents have joint custody, must both parents agree in order for a social worker to see a child - or can either parent bring a child in for therapy? If one parent brings a child in for therapy, is the social worker required to let the other parent know?

When parents have joint custody, generally the domiciliary parent can make medical and educational decisions for the child. If the domiciliary parent is not designated as the decision maker, both parents have the same decision making authority. A social worker should request a copy of any joint custody decrees or orders if he or she feels uncertain about this issue. Ideally, both parents should be informed and involved in a young child's therapy. There may also be situations when one parent's refusal to give consent for treatment may prevent a social worker from providing services to the child.

SOCIAL WORK – MANDATORY CHILD ABUSE REPORTING

I've become aware or suspect, through information obtained through professional contact within the scope of my practice, that a child has been abused or neglected. As a certified or licensed social worker, am I required to report this information to my County's Human Services Child Abuse reporting hotline?

YES. As a certified or licensed social worker, you are included as a mandatory reporter under s. [48.981\(2\)](#), Stat.

Failure to report is a violation of MPSW 20 and professionals could be subject to disciplinary action for failing to report.

I am aware through a social circumstance of a child that has been abused. As a licensed social worker, am I required to report this even though the information was not obtained through my practice?

No, information not obtained through your professional practice is not covered by the mandatory reporting requirement of s. [48.981\(2\)](#), Wis. Stat. However, societal and personal ethics may require that a professional take any steps necessary to protect the life and safety of those not able to protect themselves.

I reported a bad situation involving a child to the County authorities and nothing happened. Why should I keep reporting?

Social workers, professional counselors and marriage and family therapists are considered mandatory reporters of child abuse or suspected child abuse, under § 48.981, Wis. Stats. if this information is obtained during their professional practice. Once reported, law enforcement and the county department have obligations of their own. A specific allegation may not meet criteria for investigation, but county Human Services agencies are able to place a report in context with a complete family record, and are able to access confidential information from a state database which will help to place your report in context. Some types of reports may not be investigated by County authorities but still may be reported to law enforcement. It DOES matter that each allegation is reported.

Potential reporters should be aware that Child Protective Service workers are prohibited by law from revealing the identity of reporters. Whether the results of your referral are visible to an outsider or not, the referral is important and helpful.

SOCIAL WORK – REPORTING AND CONFIDENTIALITY

Through my practice I have become aware of criminal activity by one of my clients. Do the rules of confidentiality preclude reporting this to the authorities?

Under most circumstances, the answer is yes, per s. MPSW 20.02 (10), Wis. Admin code information received from a client in a professional capacity cannot be revealed. However, there are exceptions that apply to this rule, including the decision that disclosure is necessary to prevent injury to the client or another person. If a social worker becomes aware that a client poses an imminent threat to the safety of himself or others, this information should be reported to the appropriate law enforcement agency immediately.

When the parents have joint custody, must both parents agree in order for a social worker to see a child - or can either parent bring a child in for therapy? If one parent brings a child in for therapy, is the social worker required to let the other parent know?

When parents have joint custody, generally the domiciliary parent can make medical and educational decisions for the child. If the domiciliary parent is not designated as the decision maker, both parents have the same decision making authority. A social worker should request a copy of any joint custody decrees or orders if he or she feels uncertain about this issue. Ideally, both parents should be informed and involved in a young child's therapy. There may also be situations when one parent's refusal to give consent for treatment may prevent a social worker from providing services to the child.

SOCIAL WORK – CLINICAL PRACTICE

These questions are specific to persons providing clinical social work services, either with certification as an APSW or CISW (under the supervision of an LCSW, psychologist, or psychiatrist), or independently as a Licensed Clinical Social Worker. Persons holding the CSW or SWTC certifications are NOT able to provide clinical social work services.

1. Can an individual with a temporary certificate for advanced practice social work provide psychotherapy under supervision?

As provided through ss. [MPSW 6.02](#) and [MPSW 3.11](#), Wis. Admin. Code, individuals with a temporary certificate are able to practice within the full scope of practice of an advanced practice social worker, which includes the practice of clinical social work and psychotherapy if adequately trained and under the supervision of a professional as specified in Wis. Stats § 457.08(4)(c).

Revised: 9/25/2013

2. Are social workers required to carry malpractice insurance?

Clinical social workers are required to have professional liability insurance. Exceptions exist for credential holders employed in their credentialed capacity by federal, state or local governmental agencies. These requirements are outlined in s. [457.24](#), Stat. and s. [MPSW 1.10](#), Wis. Admin. Code.

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